

01.08.2025
Ct. No. 36
Item no.4
Cp/Gb

WPA No. 9630 of 2024

Shyamsundar Mondal
Vs.
The Union of India & Ors.

Mr. Badrul Karim
Mr. Aritra Ghosh

.....for the petitioner.

Mr. Partha Ghosh
Mr. Madhu Jana

....for the Union of India.

Mr. Biswabrata Basu Mallick, Ld. AGP

.....for the State.

The petitioner alleges that Clause 5.3 of the Mid-Day Meal Scheme of the Government of West Bengal is ultra vires the Scheme of 2006, formulated by the Central Government and curtails the fundamental right of the petitioner guaranteed under Article 19(1)(g) of the Constitution of India.

The challenge arises because of inability of the petitioner to participate in any tender process for being allotted the work as a Carrying cum Distribution Agent of foodgrains from the government's godowns to the respective schools under the Mid-day-Meal Scheme.

In the, prima facie, view of the Court, Clause 5.3 is a policy decision and the government has restricted such

carrying cum distributorship to those distributors who are enlisted with the Food & Supplies Department of West Bengal. The Central Government scheme also provides that a government agency or a department should act as the nodal officer for such distribution and the State Government should make proper arrangements for such activity. Accordingly, the Scheme of 2006 was formulated by the State of West Bengal.

According to the petitioner, the distributorship cannot be restricted to a class of distributors who are enlisted with the concerned department.

Heard the learned advocates for the respective parties.

Let the matter appear on August 22, 2025.

(Shampa Sarkar, J.)